

MINUTES

MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN JIM ELLIOTT**, on February 10, 2005 at 8 A.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Jim Elliott, Chairman (D)
Sen. Jerry W. Black (R)
Sen. Jeff Essmann (R)
Sen. Kelly Gebhardt (R)
Sen. Kim Gillan (D)
Sen. Dan Harrington (D)
Sen. Bob Story Jr. (R)
Sen. Ken Toole (D)

Members Excused: Sen. Jon Ellingson (D)
Sen. Sam Kitzenberg (R)
Sen. Trudi Schmidt (D)

Members Absent: None.

Staff Present: Kathleen Ely, Committee Secretary
Lee Heiman, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 194, 2/7/05; HB 193, 2/7/05; HB 302, 2/7/05; HB 84, 2/7/05; HB 158, 2/7/051
Executive Action: HB 84, HB 158, HB 193, HB 194, HB 302, HB 38, HB 115, SB 296, SB 303

00:00:41

HEARING ON HB 194

Opening Statement by Sponsor:

REP. GARY MATTHEWS (D), HD 40, opened the hearing on **HB 194**, Clarify distribution of oil and gas production taxes.

Proponents' Testimony:

00:03:05 **Van Charlton, Department of Revenue**

00:03:40 **Willy Duffield, Executive Director, Association of
Coal, Gas and Oil Counties**

Opponents' Testimony: None.

Informational Testimony: None.

00:04:22

Questions from Committee Members and Responses:

00:12:11

Closing by Sponsor:

00:12:45

HEARING ON HB 193

Opening Statement by Sponsor:

REP. KARL WAITSCHIES (R), HD 36, opened the hearing on **HB 193**, Recovery of tax benefit for charitable endowment recovered by donor.

Proponents' Testimony:

00:14:37 **Shona McHugh, Department of Revenue**

Opponents' Testimony: None.

Informational Testimony: None.

00:15:37

Questions from Committee Members and Responses:

00:18:10

Closing by Sponsor:

00:18:24

HEARING ON HB 302

Opening Statement by Sponsor:

REP. ROBYN DRISCOLL (D), HD 51, opened the hearing on HB 302, Revise code of conduct concerning bond or levy elections.

EXHIBIT(tas33a01)

Proponents' Testimony:

00:23:10 Rod Svee, School District 2 Superintendent
00:26:57 Lance Melton, Montana School Board Association
00:31:58 Eric Burke, MEA-MFT

Opponents' Testimony: None.

Informational Testimony: None.

00:32:46

Questions from Committee Members and Responses:

00:42:26

Closing by Sponsor:

00:43:38

HEARING ON HB 84

Opening Statement by Sponsor:

REP. CHRISTINE KAUFMANN (D), HD 81, opened the hearing on HB 84, Clarify calculation of business equipment tax trigger.

Proponents' Testimony:

00:45:31 Larry Finch, Department of Revenue

Opponents' Testimony: None.

Informational Testimony: None.

00:46:55

Questions from Committee Members and Responses:

00:49:07

Closing by Sponsor:

00:49:49

HEARING ON HB 158

Opening Statement by Sponsor:

REP. JOE MCKENNEY (R), HD 18, opened the hearing on HB 158, Revise and clarify income tax withholding.

Proponents' Testimony:

00:51:37 Neil Peterson, Department of Revenue

[EXHIBIT](#)(tas33a02)

Opponents' Testimony: None

Informational Testimony: None.

00:57:57

Questions from Committee Members and Responses:

01:02:22

Closing by Sponsor:

SEN. BLACK excused.

SUB-COMMITTEE ON HB 48 and HB 284

CHAIRMAN ELLIOTT appointed a sub-committee on HB 48 and HB 284, with SEN. KITZENBERG, Chairman, SEN. ELLINGSON, and SEN. TOOLE.

01:08:55

EXECUTIVE ACTION ON HB 84

Motion/Vote: SEN. HARRINGTON moved that HB 84 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. BLACK will carry the bill.

01:09:15

EXECUTIVE ACTION ON HB 158

Motion/Vote: SEN. GILLAN moved that HB 158 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. ELLIOTT will carry the bill.

01:09:15

EXECUTIVE ACTION ON HB 193

Motion/Vote: SEN. TOOLE moved that HB 193 BE CONCURRED IN.
Motion carried unanimously by voice vote. SEN. ESSMANN will carry the bill.

01:09:15

EXECUTIVE ACTION ON HB 194

Motion/Vote: SEN. GILLAN moved that HB 194 BE CONCURRED IN.
Motion carried unanimously by voice vote. SEN. GEBHARDT will carry the bill.

01:15:19

EXECUTIVE ACTION ON HB 302

Motion/Vote: SEN. GILLAN moved that HB 302 BE CONCURRED IN. SEN. GILLAN withdrew her motion.

SEN. BLACK returned.

SEN. KITZENBERG arrived.

01:25:33

EXECUTIVE ACTION ON HB 38

Motion/Vote: SEN. TOOLE moved that HB 38 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. BLACK will carry the bill.

01:32:48

EXECUTIVE ACTION ON HB 115

Motion/Vote: SEN. ESSMANN moved that HB 115 BE CONCURRED IN.

Motion/Vote: SEN. ESSMANN moved to segregate Amendment 8. Motion carried unanimously by voice vote.

[EXHIBIT](#) (tas33a03)

Motion/Vote: SEN. ESSMANN moved that HB 115 BE AMENDED. Motion carried 8-1 by voice vote with SEN. ELLIOTT voting no.

Motion/Vote: SEN. ESSMANN moved that HB 115 BE AMENDED. Motion carried unanimously by voice vote.

Motion/Vote: SEN. ESSMANN moved that HB 115 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote.

01:49:27

EXECUTIVE ACTION ON SB 296

Motion: SEN. BLACK moved that SB 296 DO PASS.

Motion/Vote: SEN. BLACK moved that SB 296 BE AMENDED. Motion carried unanimously by voice vote.

[EXHIBIT](#)(tas33a04)

Motion/Vote: SEN. BLACK moved that SB 296 DO PASS AS AMENDED. Motion carried unanimously by voice vote.

01:49:27

EXECUTIVE ACTION ON SB 303

Motion: SEN. TOOLE moved that SB 303 DO PASS.

Motion/Vote: SEN. TOOLE moved that SB 303 BE AMENDED. Motion carried unanimously by voice vote.

[EXHIBIT](#)(tas33a05)

Motion/Vote: SEN. TOOLE moved that SB 303 DO PASS AS AMENDED. Motion carried 7-2 by voice vote with SEN. ESSMANN and SEN. GEBHARDT voting no.

ADJOURNMENT

Adjournment: 10:19 A.M.

SEN. JIM ELLIOTT, Chairman

KATHLEEN ELY, Secretary

JE/ke

Additional Exhibits:

EXHIBIT ([tas33aad0.TIF](#))